

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>ALONZO TRAYLOR,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>No. 3:23-CV-754-L (BH)</b>
	)	
<b>DIRECTOR, TDCJ-CID</b>	)	
<b>Respondent.</b>	)	<b>Referred to U.S. Magistrate Judge<sup>1</sup></b>

**RECOMMENDATION REGARDING REQUEST TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

Before the Court are the petitioner's motion to proceed *in forma pauperis* on appeal, received from the United States Court of Appeals for the Fifth Circuit on June 2, 2023 (doc. 11), and *Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)*, received on June 23, 2023 (doc. 13).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation, and the order filed in this case on April 19, 2023, and May 11, 2023, respectively (docs. 5, 8). The request should also be denied because the petitioner has not established that he is a pauper under 28 U.S.C. § 1915(a). A review of the petitioner's *in forma pauperis* application shows that he receives monthly income of \$978.00 and has monthly expenses of \$64.00, and the monthly remainder of these amounts reflects sufficient funds to pay the applicable filing fees on appeal.

**If the Court denies the request to proceed *in forma pauperis* on appeal, the petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).**

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<sup>1</sup> By *Amended Miscellaneous Order No. 6* (adopted by *Special order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.

**SIGNED this 27th day of June, 2023.**

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE